

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BRENDA JOHNSON

Case No.
Hon.

Plaintiff,

vs.

ALI ABDULLAH ABDI
and;
NEXT CARGO
and/or;
XPRESS CARGO INC.
Defendants.

DANIEL G. ROMANO (P49117)
ROMANO LAW, PLLC
Attorneys for Plaintiff
23880 Woodward Avenue
Pleasant Ridge, MI 48069
(248) 750-0270

There is a resolved civil action arising out of the transaction or occurrence alleged in the complaint. It is assigned to the Honorable David S. Swartz of the Washtenaw County Circuit Court under Case Number 17-1125-NF.

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES Plaintiff, BRENDA JOHNSON, by and through her attorneys, ROMANO LAW, PLLC, and complaining against the above-named Defendants, their agents, servants, and/or employees, either real or ostensible, respectfully represent unto this Honorable Court as follows:

GENERAL ALLEGATIONS

1. Plaintiff BRENDA JOHNSON ("JOHNSON") is an individual resident, living in the county of Jackson, state of Michigan.

2. At all times pertinent hereto, the Defendant, ALI ABDULLAH ABDI (hereinafter “ABDI”) is an individual resident, believed to be living in Columbus, Ohio.
3. The Defendant, NEXT CARGO and/or XPRESS CARGO INC. (hereinafter “CARGO”) is a company believed to be located in the city of Indianapolis, state of Indiana, that conducts business in the county of Jackson, state of Michigan is otherwise doing business and/or established in the county of Jackson, state of Michigan
4. On October 4, 2016, Defendant ABDI was a truck driver for Defendant CARGO and was in the course and scope of his employment thereby making CARGO liable for his negligent acts and omissions under the doctrine of respondeat superior.
5. At that time and place, the Defendant, ABDI, owed the Plaintiff, and the public the duty to obey and drive in conformity with the duties embodied in the Common Law, the Motor Vehicle Code of the State of Michigan, as amended, and the ordinances of Blackman Township.
6. The Defendant, ABDI, did then and there display negligence and misconduct by improper lane usage, and striking Plaintiff’s motor vehicle.
7. As a direct and proximate result of the motor vehicle accident on October 4, 2016 Plaintiff suffered numerous severe and permanent injuries and damages and Defendants are liable to her for their negligence that caused the bodily injuries.
8. Venue is proper under 28 U.S.C. § 1332 because Plaintiff is a citizen of Michigan and all defendants are citizens of different states.

**COUNT I: BODILY INJURY LIABILITY AGAINST THIRD
PARTY DEFENDANT ABDI**

9. Plaintiff re-alleges and incorporates by reference all preceding paragraph as though more fully set forth herein.
10. That on or about October 4, 2016, the Plaintiff, JOHNSON, was involved in an auto accident with another vehicle owned by Defendant CARGO, and operated by Defendant ABDI, when the other vehicle improperly entered Plaintiffs lane of travel, ultimately striking her vehicle and she was severely injured; which took place on Interstate 94 and Airport Rd., county of Jackson and state of Michigan.
11. That at the aforementioned time and place, the Defendant operator, ABDI and was driving a white 2015 Ken Semi truck owned by Defendant, CARGO, with the registration No. 2253296.
12. At that time and place, the Defendant, CARGO, and its agents, servants, and/or employees including ABDI, owed the Plaintiff, and the public the duty to obey and drive in conformity with the duties embodied in the Common Law, the Motor Vehicle Code of the State of Michigan, as amended, and the ordinances of Blackman Township.
13. That Defendant ABDI was driving the vehicle with the express and implied consent and knowledge of its owner Defendant CARGO, and Defendant ABDI was in the course and scope of his employment with Defendant CARGO, said corporation being liable under the Respondeat Superior and the Owners Liability Act when ABDI negligently operated the defendant CARGO's vehicle which led to Plaintiff's injuries.
14. That the Defendant ABDI did then and there display negligence and misconduct by improper lane use and causing a collision with the Plaintiff JOHNSON's vehicle.

15. That at the said time and place, Defendant ABDI was guilty of negligence and misconduct as follows:

- a. In driving at an excessive rate of speed, under the conditions then and there existing;
- b. In failing to yield the right of way;
- c. In driving in such a manner as to be unable to stop within the assured clear distance ahead;
- d. In failing to keep a reasonable lookout for other persons and vehicles using said highway;
- e. In failing to have the vehicle equipped with proper brakes and/or failing to apply said brakes in time;
- f. In failing to drive with due care and caution;
- g. In failing to take all possible precautions to avoid any collision with other motor vehicles; and
- h. In failing to make and/or renew observations of the conditions of traffic on the highway.

16. The Defendant ABDI was further negligent in failing to obey and drive in conformity with the Common Law and the Motor Vehicle Code of the state of Michigan as amended and ordinances of Blackman Township.

17. That among those Statutes Defendant ABDI violated include, but are not limited to the following:

- a) M.C.L. 257.401 Owner liability;
- b) M.C.L. 257.402 Vehicle struck from rear;
- c) M.C.L. 257.626 Reckless driving;

- d) M.C.L. 257.626(b) Careless or negligent driving;
- e) M.C.L. 257.627 General restrictions as to speed - assured clear distance ahead;
- f) M.C.L. 257.628 Failure to observe a speed limit or traffic control sign or signal;
- g) M.C.L. 257.637 Passing on right side of vehicle;
- h) M.C.L. 257.643 Following too closely;
- i) M.C.L. 257.705 Brakes;

18. That as a proximate cause of Defendants' negligence, Plaintiff JOHNSON was seriously injured and suffered a serious impairment of body function and/or permanent serious disfigurement as follows: head injury, plus other injuries to the back, shoulders, right thigh, right hip, hands, neck and to other parts of her body, externally and internally, and some or all of which interferes with her enjoyment of life and caused the Plaintiff JOHNSON great pain and suffering.
19. That as a proximate result of said injuries, the Plaintiff JOHNSON suffered traumatic shock and injury to the nervous system, causing severe mental and emotional anguish, which interferes with his enjoyment of life and may require psychiatric treatment, and more generally became sick and disabled, and some or all of said injuries, as set forth herein, may be permanent in nature.
20. That should it be determined at the time of trial that the said Plaintiff JOHNSON was suffering from any pre-existing conditions, at the time of the aforesaid collision, then and in such event, it is averred that the negligence of Defendants precipitated, exacerbated and aggravated any such pre-existing conditions.

21. That the Plaintiff JOHNSON has had to incur expenses for hospital, doctor, domestic and other miscellaneous expenses and will incur more such expenses in the future and has suffered a loss of income, past, present and future, as a proximate result of Defendants' negligence.

WHEREFORE, the Plaintiff, JOHNSON now claims judgment for whatever amount she is found to be entitled, plus court costs, attorney fees and interest from the date of filing this Complaint.

COUNT II: RESPONDEAT SUPERIOR LIABILITY
AGAINST THIRD PARTY DEFENDANT CARGO

22. Plaintiffs re-allege and incorporate by reference all preceding paragraphs as though more fully set forth herein.
23. That CARGO employed or constructively employed ABDI on October 4, 2016.
24. That ABDI was in the course and scope of his employment or authority on October 4, 2016.
24. That during the course and scope of his employment or authority ABDI operated the motor vehicle in a negligent manner by improper lane use and causing a collision with another motor vehicle, causing the vehicle to spin and strike a median wall and Plaintiff was severely injured.
25. As a direct and proximate result of the negligence of Defendant and the resulting injuries to Plaintiff, the Plaintiff sustained a serious impairment of a bodily function as an objectively manifested impairment of an important body function that affects the Plaintiffs general ability to lead a normal life.

WHEREFORE, Plaintiff asks for damages in her favor and against the Defendant in whatever amount Plaintiff is found to be entitled, together with interest, costs, and attorney's fees.

Respectfully submitted,

ROMANO LAW, PLLC

By: /s/Daniel G. Romano
ROMANO LAW PLLC
DANIEL G. ROMANO (P49117)
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March 01, 2019

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DEMAND FOR JURY

NOW COMES Plaintiff, BRENDA JOHNSON, by and through her attorneys, ROMANO LAW, PLLC and hereby demands a trial by jury of the within cause.

Respectfully submitted,

ROMANO LAW, PLLC

By: /s/Daniel G. Romano
ROMANO LAW PLLC
DANIEL G. ROMANO (P49117)
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